

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 10-1761 JB

WILLIS YAZZIE,

Defendant.

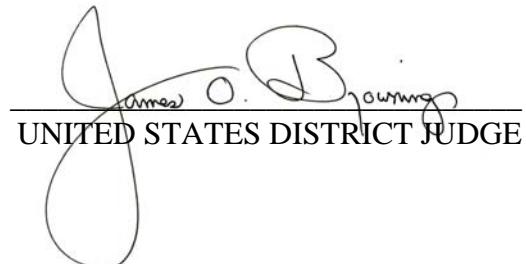
MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on counsel of record Assistant Federal Public Defender James C. Loonam's Motion to Determine Counsel, filed August 10, 2011 (Doc. 51)(“Motion”). The Court held a hearing on October 3, 2011 to determine the status of the representation of Defendant Willis Yazzie. In his Motion, Assistant Federal Public Defender James C. Loonam, Yazzie’s counsel of record, details the breakdown in the attorney-client relationship between him and Yazzie over the past year, including Yazzie’s many requests that the Court appoint new counsel. See Motion at 1-2. At the hearing, Mr. Loonam stated that he does not believe it is a good idea for him to continue to represent Yazzie.¹ See Transcript of Hearing at 4:17-25 (October 3, 2011)(Court, Loonam)(“Tr.”). Yazzie also spoke at the hearing and stated his request that the Court appoint new counsel from outside the Federal Public Defender’s Office. See Tr. at 7:4-8 (Court, Yazzie). Plaintiff United States of America takes no position on this request. See Tr. at 3:20-4:4 (Court, Rozzoni). Because Mr. Loonam does not oppose this request, and because communication between Yazzie and Mr. Loonam has broken down, see United States v. Beers, 189

¹The Court’s citations to the transcript of the hearing refer to the court reporter’s original, unedited version. Any final transcript may contain slightly different page and/or line numbers.

F.3d 1297, 1302 (10th Cir. 1999), the Court will appoint new counsel.

IT IS ORDERED that the Motion to Determine Counsel, filed August 10, 2010 (Doc. 51), is granted. The Court removes James C. Loonam as counsel for the case and orders the Clerk's Office to appoint new counsel for Defendant Willis Yazzie.



James C. Brown
UNITED STATES DISTRICT JUDGE

Counsel:

Kenneth J. Gonzales
United States Attorney
Glynnette R. Carson-McNabb
Jennifer M. Rozzoni
Assistant United States Attorneys
Albuquerque, New Mexico

Attorneys for the Plaintiff

James C. Loonam
Assistant Federal Public Defender
Albuquerque, New Mexico

Attorney for the Defendant